<div align="center">**REMARKS/ARGUMENTS**</div>

Claim Amendments

The Applicant has amended claims 1, 15, 17, and 27. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-29 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 1-8, 15-23 and 27-29 stand rejected under 35 U.S.C. 102(b) as being anticipated by Cezary Dubnicki, Liviu Iftode, Edward W. Felten, Kai Li "Software Support for Virtual Memory-Mapped Communication", 1996, pages 372-381. In response, the Applicant has amended independent claims 1, 15, 17, and 27 to better define the intended scope of the claimed invention. The Examiner's consideration of the amended claims is respectfully requested.

Independent claims 1, 15, 17, and 27 have been amended and now recite providing simultaneous user-space and kernel-space access to a network layer over a single NIC port. Support for these amendments is found on page 6, lines 16-24 of the Applicant's specification.

Dubricki discloses a virtual memory-mapped communication (VMMC) for providing user-to-user data transfers. The model disclosed in Dubnicki eliminates operating system involvement in communication which minimizes software communication software. However, Dubricki does not disclose providing <u>simultaneous</u> user-space and kernel-space access to a network layer <u>over a single NIC port</u>.

The Applicant's invention allows efficient and flexible access to a network interface controller (NIC), while eliminating the CPU as the bottleneck in the communication chain. However, in addition, the present invention provides a network device driver architecture which is suitable for implementation and integration into existing systems. Dubnicki does not disclose such an architecture. Additionally, Dubnicki does not disclose enabling integrated kernel-space access and user-space

access to the NIC over the same NIC port. Dubnicki merely discloses a user-to-user communications model for the transfer of data.

Accordingly, Dubnicki does not disclose all the elements of the present invention as recited in claims 1, 15, 17, and 27. Claims 2-8 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Claim 16 depends from amended claim 15 and recites further limitations in combination with the novel elements of claim 15. Claims 18-23 depend from amended claim 17 and recite further limitations in combination with the novel elements of claim 17. Claims 28 and 29 depend from amended claim 27 and recite further limitations in combination with the novel elements of claim 27. Therefore, the allowance of claims 1-8, 15-23 and 27-29 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 9-11, 12-14 and 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over by Cezary, Dubnicki et al (Software Support for Virtual Memory-Mapped Communication", 1996, pages 372-381) in view of Massa et al: (US 6658469). In response, the Applicant has amended independent claims 1 and 17 to better define the intended scope of the claimed invention. The Examiner's consideration of the amended claims is respectfully requested.

Independent claims 1 and 17 have been amended and now recite providing simultaneous user-space and kernel-space access to a network layer over a single NIC port. Support for these amendments is found on page 6, lines 16-24 of the Applicant's specification.

As discussed above, Dubricki does not disclose providing simultaneous user-space and kernel-space access to a network layer over a single NIC port. Accordingly, Dubnicki does not disclose all the elements of the present invention as recited in claims 1 and 17. Massa does not make up the missing elements. Claims 9-11 and 12-14 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Claims 24-26 depend from amended claim 17 and recite

further limitations in combination with the novel elements of claim 17. Therefore, the allowance of claims 9-11, 12-14 and 24-26 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

By Sidney L. Weatherford
Registration No. 45,602

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-8656
sidney.weatherford@ericsson.com